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*Attorneys for Plaintiff*  
4 *Manuel Garcia*

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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

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9 MANUEL GARCIA,  
10  
11 Plaintiff,

12 vs.

13 CLARK COUNTY SHERIFF'S OFFICE, JOE  
14 LOMBARDO, BRANDON PRISBREY,  
15 #9315, SUNRISE MEDICAL HOSPITAL,  
16 SUSANNE ROOZENDAAL,

17 Defendants.

CASE NO. 2:17-cv-2504-APG-BNW

**PLAINTIFF' S ATTORNEYS' MOTION  
TO  
WITHDRAW FROM CASE  
LR 1A 11-6**

18 Dan M. Winder on behalf of himself and The Law Offices of Dan M. Winder hereby  
19 moves to withdraw from the representation of the Plaintiff, Manuel Garcia on the grounds that the  
20 Plaintiff and his counsel have irreconcilable differences as to how the matter should be handled.  
21 Counsel has been informed by the Plaintiff he wishes us to withdraw.

22 Plaintiff Garcia is being notified of this Motion by service of the Motion and by separate  
23 letter explaining the upcoming events and the probable consequences of the withdrawal of  
24 Plaintiff's counsel including the likelihood that Plaintiff will not prevail in the absence of  
25 representation.

26 Under these circumstances, Counsel requests this court reopen discovery and give Plaintiff  
27 an additional 90 days to retain counsel. This has, in part, been required because Plaintiff has been  
28 surprised by the testimony of Brandon Prisbrey that he was not the officer who interfered the  
medical treatment of Plaintiff at Sunrise Hospital even though he was the arresting and booking  
officer and completed the arrest report concerning the matter. According to Plaintiff's theory of

1 the case, the officer at the hospital is the prime defendant who acted to prevent him from getting  
2 medical care for his fractured foot.

3 The upcoming events and deadlines in this matter are:

4 03/18/20 Deposition of Plaintiff

5 05/01/20 Dispositive Motions (Summary Judgment)

6 05/04/20 Joint Pretrial Order (will be extended when dispositive motion filed).

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8 The last known address of the Plaintiff is:

9 Manuel Garcia  
10 #1107857  
11 High Desert State Prison  
Indian Springs, NV 89070

IT IS ORDERED that ECF No. 78 is  
GRANTED in part and DENIED in part. It is  
granted to the extent that Mr. Winder will be  
permitted to withdraw as counsel. However, it  
is denied to the extent it seeks to reopen  
discovery.

IT IS FURTHER ORDERED that, before Mr.  
Winder withdraws, the parties are to meet and  
confer under LR 16-1(d) about how this case  
should move forward. Specifically, the parties  
must discuss reopening discovery, delaying  
the case for 90 days, and Plaintiff's deposition  
on 3/18/2020. The parties must file a joint  
status report by 3/20/2020 regarding these  
issues.

12 Respectfully submitted this 12<sup>th</sup> day of March,  
13 2020.

14 LAW OFFICE OF DAN M. WINDER

15 /s/Dan M. Winder  
DAN M. WINDER, ESQ.  
16 Nevada Bar No. 1569  
3507 W. Charleston Blvd.  
17 Las Vegas, Nevada 89102  
Attorneys for Plaintiff  
18 Manuel Garcia

IT IS SO ORDERED

DATED: March 13, 2020



BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

19  
20 I certify that on the date stamped hereon by the System, I served the forgoing on the parties of  
21 record via the Court's Electronic Case Filing System. I also served a copy of the Motion on the  
22 Plaintiff by mailing it to the following address:

23 Manuel Garcia  
24 #1107857  
High Desert State Prison  
Indian Springs, NV 89070

25 /s/Hamilton D. Moore

26 An employee of the Law Office of Dan M. Winder P.C.  
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